

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	9
NO:	2

MR. SPEAKER:

Your Committee on Local Government, to which was referred Senate Bill 512, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

1 Page 4, between lines 10 and 11, begin a new paragraph and insert:
2 "SECTION 3. IC 36-4-3-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The legislative
4 body of a municipality may, by ordinance, annex any of the following:
5 (1) Territory that is contiguous to the municipality.
6 (2) Territory that is not contiguous to the municipality and is
7 occupied by a municipally owned or operated airport or landing
8 field.
9 (3) Territory that is not contiguous to the municipality but is found
10 by the legislative body to be occupied by a municipally owned or
11 regulated sanitary landfill, golf course, or hospital. However, if
12 territory annexed under this subsection ceases to be used as a
13 municipally owned or regulated sanitary landfill, golf course, or
14 hospital for at least one (1) year, the territory reverts to the
15 jurisdiction of the unit having jurisdiction before the annexation
16 if the unit that had jurisdiction over the territory still exists. If the

unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(b) This subsection applies to municipalities in a county having a population of:

(1) more than seventy-three thousand (73,000) but less than seventy-four thousand (74,000);

(2) more than seventy-one thousand four hundred (71,400) but less than seventy-three thousand (73,000);

(3) more than seventy thousand (70,000) but less than seventy-one thousand (71,000);

(4) more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

(5) more than forty thousand nine hundred (40,900) but less than forty-one thousand (41,000);

(6) more than thirty-eight thousand (38,000) but less than thirty-nine thousand (39,000);

(7) more than thirty thousand (30,000) but less than thirty thousand seven hundred (30,700);

(8) more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000); or

(9) more than ~~two hundred thousand (200,000)~~ **one hundred eighty-two thousand seven hundred ninety (182,790)** but less than three hundred thousand (300,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before

the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area;

or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

- 1 (A) one and one-half (1 1/2) miles to the west;
- 2 (B) three-fourths (3/4) mile to the east;
- 3 (C) one-half (1/2) mile to the north; or
- 4 (D) one-half (1/2) mile to the south;
- 5 of an interchange of an interstate highway (as designated by the
- 6 federal highway authorities) and a state highway (as designated by
- 7 the state highway authorities); and
- 8 (4) is owned by the city or by a property owner that consents to
- 9 the annexation.

10 SECTION 4. IC 36-4-3-4.1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section
 12 applies to the following:

- 13 (1) A town having a population of:
 - 14 (A) more than fifteen thousand (15,000); or
 - 15 (B) more than five thousand (5,000) but less than six thousand
 - 16 three hundred (6,300);
 - 17 located in a county having a population of more than one hundred
 - 18 thousand (100,000) but less than one hundred five thousand
 - 19 (105,000).
- 20 (2) A city having a population of more than thirty-two thousand
- 21 eight hundred (32,800) but less than thirty-three thousand
- 22 (33,000).
- 23 (3) A municipality that is located in a county having a population
- 24 of more than four hundred thousand (400,000) but less than seven
- 25 hundred thousand (700,000).
- 26 (4) A town having a population of more than nine thousand
- 27 (9,000) but less than thirty thousand (30,000) located in a county
- 28 having a population of more than one hundred eighty thousand
- 29 (180,000) but less than one hundred eighty-two thousand seven
- 30 hundred ninety (182,790).
- 31 **(5) A town located in a county that contains a racetrack**
- 32 **sanctioned by a nationally chartered and recognized auto**
- 33 **racing organization.**
- 34 **(6) A town having a population of more than three thousand**
- 35 **five hundred (3,500) located in a county having a population**
- 36 **of more than one hundred thirty thousand (130,000) but less**
- 37 **than one hundred forty-five thousand (145,000).**
- 38 **(7) A town having a population of more than one thousand**

1 **five hundred (1,500) but less than one thousand nine hundred**
 2 **(1,900) located in a county having a population of more than**
 3 **one hundred thirty thousand (130,000) but less than one**
 4 **hundred forty-five thousand (145,000).**

5 **(8) A town located in a township that:**

6 **(A) borders the Muscatatuck River; and**

7 **(B) has a canning factory.**

8 (b) Except as provided in subsection (c), the legislative body of a
 9 municipality to which this section applies may, by ordinance, annex
 10 territory that:

11 (1) is contiguous to the municipality;

12 (2) in the case of a municipality described in subsection ~~(a)(1)~~
 13 **(a)(1)(A) or (a)(1)(B)**, has its entire area within the township
 14 within which the municipality is primarily located; and

15 (3) is owned by a property owner who consents to the annexation.

16 (c) Subsection (b)(2) does not apply to a town having a population
 17 of:

18 (1) more than five thousand (5,000) but less than eight thousand
 19 (8,000); or

20 (2) more than nine thousand (9,000) but less than twelve thousand
 21 five hundred (12,500);

22 in a county having a population of more than four hundred thousand
 23 (400,000) but less than seven hundred thousand (700,000).

24 (d) Territory annexed under this section is exempt from all property
 25 tax liability under IC 6-1.1 for municipal purposes for all portions of
 26 the annexed territory that ~~is~~ **are** classified for zoning purposes as
 27 ~~agriculture~~ **agricultural** and ~~remains~~ **remain** exempt from the property
 28 tax liability while the property's zoning classification remains
 29 ~~agriculture:~~ **agricultural.**

30 (e) There may not be a change in the zoning classification of
 31 territory annexed under this section without the consent of the owner
 32 of the annexed territory.

33 **(f) Except as provided in subsection (g), territory annexed under**
 34 **this section may not be considered a part of the municipality for**
 35 **purposes of involuntarily annexing additional territory.**

36 **(g) Territory annexed under this section shall be considered a**
 37 **part of the municipality for purposes of annexing additional**
 38 **territory under section 5 or 5.1 of this chapter."**

- 1 Page 5, line 40, delete "ten" and insert "**one hundred (100)**".
- 2 Page 5, line 41, delete "(10)".
- 3 Page 6, line 4, delete "ninety" and insert "**seventy-five**".
- 4 Page 6, line 4, delete "(90%)" and insert "**(75%)**".
- 5 Page 6, line 6, delete "of this chapter." and insert ".".
- 6 Page 8, line 10, delete "ten (10)" and insert "**one hundred (100)**".
- 7 Page 8, line 11, delete "ninety" and insert "**seventy-five**".
- 8 Page 8, line 11, delete "(90%)" and insert "**(75%)**".
- 9 Page 11, line 8, delete "section" and insert "**SECTION**".
- 10 Page 11, line 13, delete "section." and insert "**SECTION.**".
- 11 Renumber all SECTIONS consecutively.
(Reference is to SB 512 as printed February 25, 2005.)

and when so amended that said bill do pass.

Representative Hinkle